

REDACTED

ADMINISTRATIVE ACTION DATA SHEET

(To Be Submitted to OEA When:

- (1) A Complaint is Filed;
- (2) When a CAFO(b) is Filed, Along with a Case Conclusion Data Sheet;
- (3) A Non-Penalty (Compliance) Order is Issued, Along with a Case Conclusion Data Sheet

INTERNAL AGENCY DOCUMENT – DO NOT RELEASE!!

1. Court Docket/Regional Hearing Clerk Docket No. CERCLA-04-2009-3761
2. Case Name/Site Name Smokey Mountain Smelters Superfund Site

Lead EPA Attorney Adam Dilts Phone No. 2x9581

EPA Program Contact Matthew Huyser Phone No. 2x8934

FACILITY INFORMATION

If More Than One Facility, Please Complete This Section For **EACH** Facility.)
(Use Location of Site of the Violation. Do **NOT** Use a P.O. Box Number.)

9. Facility Name Smokey Mountain Smelters Superfund Site
10. Street Address 1508 Maryville Pike County Knox
- City Knoxville State TN Zip (REQUIRED) 37920
- Primary 4-Digit SIC Code 3341 (formerly) Other 4-Digit SIC Codes _____
- EPA FRS or ICIS No. TND098071061 (CERCLIS)

Is This Indian Land? _____ Yes ☒ No

If Yes, What Tribe? _____

Is This a Small Business? _____ Yes ☒ No

("A Person, corporation, partnership, or other entity that employs 100 or fewer employees.")

Has an EJ Analysis Been Completed? ☒ Yes _____ No

If No, Please See Serdar Ertep at 2-9683 Before Continuing

Is the Facility Located in a Potential EJ Area of Concern? ☒ Yes _____ No

If Yes: _____ Low Income _____ Minority Population ☒ Both _____ Other



10452830

Note: Question Numbers Correspond With the Case Conclusion Data Sheet Guidance Booklet, Dated August 2004.
If You Have Any Questions, Please Contact Teresa Shirley at 2-9647 or Priscilla Johnson at 2-9614.

Federal Facility Information (You must answer every question):

Is this a Government-owned/Government-operated facility? ☐ Yes ☒ No

Is this a Government-owned/Contractor-operated facility? ☐ Yes ☒ No

Is this a Government-owned/Private-operated facility? ☐ Yes ☒ No

Is this a Private-owned/Government-operated facility? ☐ Yes ☒ No

Is this a Formerly Used Defense Site (FUD)? ☐ Yes ☒ No

Is this a Private-owned/Private-operated facility that abuts a federal facility?

☐ Yes ☒ No

If Yes, then:

Does the facility have a formal relationship with the federal property and are the operations of the privately-owned facility dependent on the federal property?

☐ Yes ☐ No

Do operations/activities at the facility affect the federally-owned property?

☐ Yes ☐ No

Is this a contractor or other private party conducting construction, maintenance, renovation, abatement, or demolition on federally-owned property? ☐ Yes ☒ No

Is this a privately-owned transporter of products or wastes whose operations or incidents (e.g., spills) related to those operations occurred within the fence line of the federal facility? ☐ Yes ☒ No

Is this an Imholding – defined as Private-owned/Private-operated facility that are totally or partially encircled by the Government-owned/Government-operated facility? ☐ Yes ☒ No

Is this a Federal Facility located on American Indian or Tribal land (e.g., schools or public health centers operated by the Bureau of Indian Affairs or the Indian Health Service)? ☐ Yes ☒ No

Is this a Non-Federal Leasees operating within a Federal Facility who is granted use of government land by a rental or real estate agreement or title transfer with a reversionary clause (e.g., municipal landfills, oil and gas, mining)? ☐ Yes ☒ No

Is this a Federal agency tenant who conducts operations on property leased from another Federal agency? ☐ Yes ☒ No

Is this a permittee operating within a Federal Facility who is granted a permit for short-term use of government land? ☐ Yes ☒ No

Is this a claimant having properly located, recorded, and maintained mining claims under the 1872 Mining Law on federal lands for which a patent has not been issued? ☐ Yes ☒ No

Is this a Federal Facility that has been granted permits for use of the land of another Federal agency for up to 20 years administratively if the intended use does not involve destruction of the land (i.e., military uses, dams)?

☐ Yes ☒ No

Respondents/PRPs List:

[illegible]

Continue on Attached Page, If Necessary

If CERCLA, Is the Site on the NPL? Yes X No

40 CFR Part	Section	40 CFR Part	Section
-------------	---------	-------------	---------

40 CFR Part	Section	40 CFR Part	Section
40	151.10	40	151.10
40	151.11	40	151.11
40	151.12	40	151.12
40	151.13	40	151.13
40	151.14	40	151.14
40	151.15	40	151.15
40	151.16	40	151.16
40	151.17	40	151.17
40	151.18	40	151.18
40	151.19	40	151.19
40	151.20	40	151.20
40	151.21	40	151.21
40	151.22	40	151.22
40	151.23	40	151.23
40	151.24	40	151.24
40	151.25	40	151.25
40	151.26	40	151.26
40	151.27	40	151.27
40	151.28	40	151.28
40	151.29	40	151.29
40	151.30	40	151.30
40	151.31	40	151.31
40	151.32	40	151.32
40	151.33	40	151.33
40	151.34	40	151.34
40	151.35	40	151.35
40	151.36	40	151.36
40	151.37	40	151.37
40	151.38	40	151.38
40	151.39	40	151.39
40	151.40	40	151.40
40	151.41	40	151.41
40	151.42	40	151.42
40	151.43	40	151.43
40	151.44	40	151.44
40	151.45	40	151.45
40	151.46	40	151.46
40	151.47	40	151.47
40	151.48	40	151.48
40	151.49	40	151.49
40	151.50	40	151.50
40	151.51	40	151.51
40	151.52	40	151.52
40	151.53	40	151.53
40	151.54	40	151.54
40	151.55	40	151.55
40	151.56	40	151.56
40	151.57	40	151.57
40	151.58	40	151.58
40	151.59	40	151.59
40	151.60	40	151.60
40	151.61	40	151.61
40	151.62	40	151.62
40	151.63	40	151.63
40	151.64	40	151.64
40	151.65	40	151.65
40	151.66	40	151.66
40	151.67	40	151.67
40	151.68	40	151.68
40	151.69	40	151.69
40	151.70	40	151.70
40	151.71	40	151.71
40	151.72	40	151.72
40	151.73	40	151.73
40	151.74	40	151.74
40	151.75	40	151.75
40	151.76	40	151.76
40	151.77	40	151.77
40	151.78	40	151.78
40	151.79	40	151.79
40	151.80	40	151.80
40	151.81	40	151.81
40	151.82	40	151.82
40	151.83	40	151.83
40	151.84	40	151.84
40	151.85	40	151.85
40	151.86	40	151.86
40	151.87	40	151.87
40	151.88	40	151.88
40	151.89	40	151.89
40	151.90	40	151.90
40	151.91	40	151.91
40	151.92	40	151.92
40	151.93	40	151.93
40	151.94	40	151.94
40	151.95	40	151.95

UST:
 _____ Underground Storage Tanks (Subtitle I)

If Yes: Minority Low Income Both

Proposed Penalty Amount: \$ _____
(Should Be Amount Prior to Reductions Using a
Penalty Policy)

Is This an Amended Complaint: (b) (5)

AND/OR Proposed Cost
Recovery Amount: \$

FOR RCRA CASES ONLY:

SQG

LQG

CESQG

Self-Disclosure Information

Did Company Self-Disclose Violations? Yes X No (If No, Skip This Section)

Date Violations Disclosed: _____

Does Company Have Less Than 100 Employees? _____ Yes _____ No
(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy.)

Has the Inspection Information Been Entered Into ICIS? Yes X No

If Yes, What is the ICIS Compliance Monitoring Activity Name (Exactly)?

What Type of Inspection Was Conducted (Statute/Section)? _____

Date of Inspection? _____

FY 2009 Priority Information

MOA Priority Information

(Check All That Apply)

Air Toxics:

- ☐ LDAR
- ☐ Flares
- ☐ Surface Coating

Financial Assurance:

- ☐ RCRA Closure/Post Closure
- ☐ RCRA Corrective Action
- ☐ CERCLA

Tribal:

- ☐ Drinking Water
- ☐ Schools
- ☐ Solid Waste
- ☐ Other

NSR/PSD:

- ☐ Coal-Fired Power Plants
- ☐ Cement
- ☐ Glass Manufacturing
- ☐ Sulfuric Acid Plants
- ☐ Other Priority NSR Sectors
- ☐ Nitric Acid Plants

Wet Weather:

- ☐ CAFO
- ☐ CSOs
- ☐ CSOs \geq 50k Serv. Population
- ☐ SSOs
- ☐ SW Top 100 Homebuilder Construction
- ☐ SW Homebuilder Construction-Not in Top 100
- ☐ SW Top 6 Big Box Store Construction
- ☐ SW Big Box Store Construction-Not in Top 6
- ☐ SW Top 7 Ready-Mix/Sand & Gravel
- ☐ SW Ready-Mix/Sand & Gravel-Not in Top 7
- ☐ SW MS4 Audit
- ☐ SW MS4 Inspection
- ☐ SW Industrial Non-Construction
- ☐ SW Industrial Construction
- ☐ SW Ports (Exploratory)
- ☐ SW Road Building (Exploratory)
- ☐ Federal Facility Construction (Exploratory)

Mineral Processing:

- ☐ Non-Phosphoric Acid
- ☐ Phosphoric Acid
- ☐ Mining - Other

Regional Priorities

(Check All That Apply)

FIFRA:

- ☐ Antimicrobial Labeling

TSCA:

- ☐ Lead Disclosure Rule (Section 1018)
- ☐ Direct Consumables
- ☐ HUD & CDC Lead Collaboration
- ☐ Import Brokers

RCRA:

- ☐ BIFs and Organic Air Emissions

Violation Types

CAA

- | | |
|---|---|
| <input type="checkbox"/> Asbestos Demolition/Renovation Work Practice Req. | <input type="checkbox"/> Air Emissions Not Otherwise Specified |
| <input type="checkbox"/> Asbestos – Failure to Maintain Records | <input type="checkbox"/> Tampering w/Emissions Control Device |
| <input type="checkbox"/> Asbestos – Failure to Report; Notify; or Inform | <input type="checkbox"/> Violation of Reporting Requirements |
| <input type="checkbox"/> Asbestos – Inspect | <input type="checkbox"/> Violation of Requirement to Monitor/Maintain Records |
| <input type="checkbox"/> Asbestos Requirement Violation | <input type="checkbox"/> Other/Miscellaneous |
| <input type="checkbox"/> Asbestos – Sample | |
| <input type="checkbox"/> Acid Rain | <input type="checkbox"/> Opacity |
| <input type="checkbox"/> Discharge, Emission or Activity w/out Required Permit | |
| <input type="checkbox"/> Violation of Permit Requirement | |
| <input type="checkbox"/> National Emission Standard for Hazardous Air Pollutant | |
| <input type="checkbox"/> New Source Review | |
| <input type="checkbox"/> New Source Performance Standard | |
| <input type="checkbox"/> Prevention of Significant Deterioration | |
| <input type="checkbox"/> Risk Management Plan | |
| <input type="checkbox"/> Stratospheric Ozone Protection Plan | |

NPDES

- | | |
|---|--|
| <input type="checkbox"/> Animal Feedlots | <input type="checkbox"/> Violation of Reporting Requirements |
| <input type="checkbox"/> Discharge, Emission, or Activity w/out Required Permit | <input type="checkbox"/> Violation of Sludge Disposal Requirements |
| <input type="checkbox"/> Sanitary Sewer Overflows | <input type="checkbox"/> Violation of Requirements of Monitor/Maintain Records |
| <input type="checkbox"/> Stormwater Overflows | |
| <input type="checkbox"/> Violation of a Permit Requirement | |

WETLANDS

- | | |
|--|--|
| <input type="checkbox"/> Discharge Without or In Violation of a 404 Permit | <input type="checkbox"/> Other/Miscellaneous |
| <input type="checkbox"/> Violation of a Previously Issued AO | |

RCRA

- | | |
|---|---|
| <input type="checkbox"/> Battery Management Act Violation | <input type="checkbox"/> Labeling or Marking Requirements |
| <input type="checkbox"/> Benzene Waste | <input type="checkbox"/> Land Ban |
| <input type="checkbox"/> Bevill Enforcement Case | <input type="checkbox"/> Monitoring Requirements |
| <input type="checkbox"/> Closure & Post Closure Requirement | <input type="checkbox"/> K061 Initiative |
| <input type="checkbox"/> Container Requirements | <input type="checkbox"/> Misidentified Waste |
| <input type="checkbox"/> Discharge, Emission, or Activity w/out Required Permit | <input type="checkbox"/> Permit Evader |
| <input type="checkbox"/> Disposal Facility Requirements – Not Otherwise Specified | <input type="checkbox"/> Treatment Facility Requirement |
| <input type="checkbox"/> Exports Violation | <input type="checkbox"/> Violation of a Previously Issued AO |
| <input type="checkbox"/> Imports Violation | <input type="checkbox"/> Violation of a Permit Requirement |
| <input type="checkbox"/> Failure to Notify | <input type="checkbox"/> Violation of a Requirement of Monitor/Maintain Records |
| <input type="checkbox"/> Failure to Report Information as Required | |
| <input type="checkbox"/> General Facility Requirements | |
| <input type="checkbox"/> Groundwater Monitoring Requirements | |

OPA

- ☐ Failure to Have an Adequate SPCC Plan
- ☐ Spill
- ☐ Other

UST

- | | |
|---|---|
| <input type="checkbox"/> Leak Detection and Repair | <input type="checkbox"/> Violation of Reporting Requirements |
| <input type="checkbox"/> Requirements Other Than LDAR | <input type="checkbox"/> Violation of Requirement to Monitor/Maintain Records |

EPCRA & EPCRA/CERCLA

- | | |
|---|---|
| <input type="checkbox"/> CERCLA Reportable Quantity Discharge Violation | <input type="checkbox"/> Violation of Requirement to Monitor/Maintain Records |
| <input type="checkbox"/> Toxics Release Inventory (Section 313) | <input type="checkbox"/> Violation of Reporting Requirements |

UIC

- ☐ Casing and Cementing
- ☐ Injection Between Outermost Casing
- ☐ Injection Beyond Authorized Pressure
- ☐ Mechanical Integrity
- ☐ No Approved Plugging & Abandonment Plan
- ☐ Non-Compliance w/Plugging & Abandonment Plan
- ☐ Unauthorized Injection
- ☐ Unauthorized Operation of Class IV Well
- ☐ Monitoring Requirements
- ☐ Unauthorized Brine Discharge
- ☐ Violation of Reporting Requirements
- ☐ Violation of Requirement to Monitor/Maintain Records
- ☐ Other/Miscellaneous

PWS

- ☐ Failure to Submit DMRs
- ☐ Maximum Contaminant Level
- ☐ Monitoring/Reporting
- ☐ Notification to Public
- ☐ Sampling and Analyzing
- ☐ Total Coliform Rule
- ☐ Surface Water Treatment Rule
- ☐ Violation of Permit Requirement
- ☐ Recordkeeping Violations
- ☐ Other/Miscellaneous

TSCA

AHERA:

- ☐ LEA – Clearance
- ☐ LEA – Failure to Implement Mgmt Plan
- ☐ LEA – Failure to Notify
- ☐ Fiber Release
- ☐ Improper Sampling
- ☐ Inspection
- ☐ Management Plan
- ☐ Operations and Maintenance
- ☐ LEA – Response Action
- ☐ LEA – Responsibility
- ☐ LEA – Unaccredited Lab
- ☐ Others – Clearance
- ☐ Others – Inspection
- ☐ Others – Inspection Accreditation
- ☐ Others – Lab
- ☐ Others – Management Plan
- ☐ Others – Response Act. Accreditation
- ☐ Others – Unaccredited Lab
- ☐ Others – Unaccredited Pers. Dev. Mgmt Plan
- ☐ Others – Unaccredited Resp. Act. Workers
- ☐ Others – Unaccredited Work/Accredited Super.
- ☐ Accreditation
- ☐ Certifications and Training Accreditations
- ☐ Course Violations Including Hours – Curriculum
- ☐ Section 5
- ☐ Section 5 (e) / (f)
- ☐ Section 5 General PMN
- ☐ Section 5 TME
- ☐ Section 7 Report Late

- ☐ Section 8(a) Level A
- ☐ Section 8(b) Inventory Update
- ☐ Section 8(c) Recordkeeping
- ☐ Section 8(d) Reporting
- ☐ Section 8(e) Reporting
- ☐ Section 8 Reporting and Recordkeeping
- ☐ Improper Disposal of PCBs/Items
- ☐ Exports Violation
- ☐ Failure to Disclose Information
- ☐ Failure to Include Info In Contract/Lease
- ☐ Failure to Inform of Obligations
- ☐ Failure to Notify
- ☐ Failure to Notify EPA of PCB Waste Activities
- ☐ Failure to Provide Available Information
- ☐ Failure to Report Information as Required
- ☐ Failure to Retain Disclosure Records
- ☐ Falsify Applications, Reports, Information
- ☐ Imports Violation
- ☐ Labeling/Marking Violation
- ☐ Lead-Based Paint
- ☐ Manifesting; No Manifests or Manifest Errors
- ☐ Recordkeeping Violations
- ☐ Refusal to Allow Inspection or Sampling
- ☐ Refusal to Submit Reports (Sections 5-8, 11, 9)
- ☐ Training Course Provider Violation
- ☐ Violation of a Permit Requirement
- ☐ Violation of PCB Rules
- ☐ Violation of Req. to Monitor/Maintain Records
- ☐ Violation of Storage Facility Requirements
- ☐ Violation of Reporting Requirements
- ☐ Worker Protection Standards
- ☐ Work Practice Standards

FIFRA

- ☐ Advertised Pesticide for Unregistered Use
- ☐ Advertised Pesticide Not Registered
- ☐ Container Requirements
- ☐ Exports Violation
- ☐ Imports Violation
- ☐ Failure to Notify
- ☐ Failure to Report Information as Required
- ☐ General Facility Requirements
- ☐ Good Laboratory Practices
- ☐ Packaging Requirements
- ☐ Misuse of a Registered Pesticide
- ☐ Misuse Pesticide Under Experimental Permit
- ☐ No Records for Restricted Use Pesticide
- ☐ Pesticide Not Registered
- ☐ Pesticide Safety Trainer
- ☐ Posting Pesticide
- ☐ Establishment Not Registered (Section 7)
- ☐ Section 3(a) Violation – Unregistered Pesticide
- ☐ Add To/Take From a Pesticide to Defeat Act
- ☐ No Records for Restricted Use Pesticide
- ☐ Pesticide Safety Trainer
- ☐ Posting Pesticide
- ☐ Posting Pesticide Safety Information
- ☐ Test Pesticide on Humans in Violation of Act
- ☐ Composition Differs
- ☐ Adulterated
- ☐ Violations of Reporting Requirements
- ☐ Violations of Requirement to Monitor/Maintain Records

- ☐ Worker Protection Standards
- ☐ Other/Miscellaneous

MISBRANDED:

- ☐ Directions for Use Not Adequate
- ☐ Failed to Bear Spanish Signal Word
- ☐ Failed to Bear WPS Reference Statement
- ☐ False Claim on Label
- ☐ Imitation of Another Pesticide
- ☐ Inadequate Precautionary Labeling
- ☐ Ingredient Statement Not on Container
- ☐ Label Does Not Bear Registration Number
- ☐ Label lacks Poison Information
- ☐ Labeling Does Not Bear Use
- ☐ Labeling Incomplete
- ☐ Lack of Prominence
- ☐ Not Registered for Use in USA
- ☐ Package Does Not Conform
- ☐ WPS Reference Statement Contains Errors
- ☐ WPS Reference Statement Is Incomplete